

Message Text

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ACTION COME-00

INFO OCT-01 EUR-25 ISO-00 CIAE-00 PM-07 INR-10 L-03

ACDA-19 NSAE-00 PA-04 RSC-01 PRS-01 SP-03 USIA-15

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TO LANTNAVFACENGCOM NORFOLK VA

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E.O. 11652: NA

TAGS: MCAP, BER, NATO

SUBJECT: NATO INFRASTRUCTURE, INTERNATIONAL COMPETITIVE
BIDDING (ICB) FOR AUW COMPOUND, US NAVAL AIR STATION,
BERMUDA

REFS: A. YOUR LETTER, SERIAL 09A23, DTD 27 MAY 74, SUBJ:
CONTRACT N62470-73-B-1186, AUW COMPOUND, US NAVAL AIR
STATION, BERMUDA
B. YOUR LETTER, SERIAL 09A23, DTD 31 MAY 74, SAME SUBJECT.
C. NATO DOCUMENT AC/4-D/1384(FINAL), ANNEX.

1. SUMMARY. MISSION HAS CAREFULLY REVIEWED REFS A AND B.
AFTER DISCUSSION WITH REPRESENTATIVES OF DEY DELEGATIONS AND
NATO INTERNATIONAL STAFF AS TO PROPER INTERPRETATION OF REF C,
MISSION HAS RELUCTANTLY CONCLUDED THAT PROCEDURE INITIATED BY REFS
A AND B SHOULD BE CANCELLED, AND REVISED NOTICE OF INTENT
SHOULD BE FILED AS DESCRIBED BELOW. END SUMMARY.

2. NORMAL PROCEDURE FOR HANDLING CALLS FOR BIDS ACCORDING TO
ACCEPTED INTERPRETATION OF REF C IS AS FOLLOWS:
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A. STEP 1-FILING OF A NOTICE OF INTENT TO CALL FOR BIDS
WITH NATO MEMBER EMBASSIES IN WASHINGTON DC, PROVIDING ALL
INFORMATION REQUESTED BY PARA 6(II)A-H) REF C, AND ALLOWING AT
LEAST THREE WEEKS FOR INTERESTED FIRMS TO FILE NAMES.

B. STEP 2-TRANSMITTAL OF INFORMATION COPY OF THIS NOTICE TO US MISSION TO NATO FOR DISTRIBUTION TO OTHER DELEGATIONS AS A MATTER OF INFORMATION ONLY, PER PARA 6(IV) REF C.

C. STEP 3-DISTRIBUTION OF CALL FOR BIDS WITH COMPLETE BID PACKAGE TO INTERESTED FIRMS, ALLOWING AT LEAST EIGHT WEEKS TO BID, AS REQUIRED PER PARA 5(I) REF C.

3. IN THE EVENT YOUR HQS DESIRES TO PROVIDE BID PACKAGES TO FIRMS INDICATING AN INTEREST AFTER THE TIME PERIOD APECIFIED IN STEP 1 ABOVE HAS ELAPSED, THIS IS ACCEPTABLE. IN ORDER TO AVOID LATER ALLEGATIONS OF PREFERENTIAL TREATMENT, HOWEVER, STRONGLY RECOMMEND THAT NOTICE OF INTENT CLEARLY STATE YOUR POSTION. THIS COULD BE DONE, FOR EXAMPLE, BY STATING IN THE NOTICE THAT:

A. INORDER TO PROVIDE SUFFICIENT TIME FOR BIDDING (WHICH MUST BE AT LEAST EIGHT WEEKS AS NOTED ABOVE) INTERESTED FIRMS SHOULD SUBMIT THEIR NAMES BY A SPECIFIED DATE.

B. QUALIFIED FIRMS REQUESTING BID PACKAGES AFTER THAT DATE WILL ALSO BE PERMITTED TO BID, ON THE UNDERSTANDING THAT THE BID CLOSING DATE REMAINS AS STATED.

4. MISSION RECOGNIZES THAT ABOVE PROCEDURE WILL REQUIRE A MINIMUM OF ELEVEN WEEKS, AND THAT THEREFORE A REVISION TO THE BID CLOSING DATE WILL BE REQUIRED. MISSION ALSO APPRECIATES THAT INTENTION OF REFS A AND B WAS TO EXPEDITE PROJECT IN MOST EFFICIENT MANNER. HOWEVER, ANY DEPARTURE FROM WHAT OTHER NATO MEMBER NATIONS REGARD AS PROPER INTERPRETATION OF THE RULES COULD LEAD TO LATER PROTESTS OR DISPUTES, THEREBY CAUSING STILL GREATER DELAY.

5. IN IMPLEMENTING THIS CHANGGE, MISSION RECOMMENDS THAT ONE FURTHER POTENTIAL DIFFICULTY BE ELIMINATED, VIZ THE ISSUE OF FRENCH PARTICIPATION. SINCE FRANCE NO LONGER PARTICIPATES IN THE FUNDING OF SUCH NEW PROJECTS, VIEW OF REMAINING FOURTEEN NATIONS IS THAT THEY SHOULD NOT BENEFIT BY HAVING THEIR FIRMS PARTICIPATE IN CONTRACTS WHICH RESULT. ACCORDINGLY NOTICES OF INTENT TO CALL FOR BIDS SHOULD NOT BE SENT TO FRENCH EMBASSY IN WASHINGTON. TO AVOID POSSIBLE FRENCH QUERIES, RECOMMEND LIMITED OFFICIAL USE
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THAT NOTE RESCINDING REF A BE SENT TO ALL ORIGINAL RECIPIENT EMBASSIES AND THAT NEW NOTICE OF INTENT BE DISTRIBUTED AS SEPARATE DOCUMENT TO SAME LIST LESS FRANCE.

6. RE REF B, MISSION IS OF OPINION THAT BID DOCUMENTATION FORWARDED THEREBY SHOULD NOT BE DISTRIBUTED TO DELEGATIONS AS REQUESTED. DELEGATIONS ARE NOT STAFFED TO HANDLE DISTRIBUTION OF VOLUMINOUS DOCUMENTATION INVOLVED IN THE LARGE NUMBER OF ICBS IN PROGRESS AT ANY ONE TIME IN NATO. FURTHER, MODS ARE NOT EQUIPPED TO INSURE PROPER DISTRUBUTION OF THESE DOCUMENTS TO INTERESTED FIRMS. THESE FUNCTIONS MUST, AS A PRACTICAL MATTER, BE HANDLED BY THE HOST NATIONS PROCUREMENT AUTHORITIES DIRECTLY

WITH INTERESTED FIRMS. IN ADDITION, RESTRICTING CONTACT WITH FIRMS TO SUCH A SINGLE SOURCE IS IMPORTANT LEGALLY AND PROCEDURALLY. ONLY IN THIS WAY CAN CHANCES BE MINIMIZED OF FUTURE CLAIMS BEING LODGED ALLEGING INEQUITABLE TREATMENT FOR SUCH REASONS AS INCORRECT INFORMATION BEING GIVEN, OR INCOMPLETE BID PACKAGES BEING DISTRIBUTED. MISSION RECOGNIZES THAT PLANS AND SPECIFICATIONS FORWARDED BY REF B COULD BE DISTRIBUTED FOR INFORMATION PURPOSES ONLY WITHOUT COMMITMENT AS TO COMPLETENESS OR ACCURACY. MISSIONS VIEW, HOWEVER, IS THAT THIS WOULD BE MORE LIKELY TO CAUSE CONFUSION THAN TO ASSIST PROGRAM, AND THAT DOCUMENTS WOULD BE BETTER USED BY YOUR HQS IN REPLYING TO QUERIES FROM INTERESTED FIRMS. MISSION IS THEREFORE RETURNING DOCUMENTS TO YOUR HQS THIS DATE. MCAULIFFE

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<< END OF DOCUMENT >>

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